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California Department of Corrections and  
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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION  
12

13 **JOHN ARMSTRONG, et al.,**

14 Plaintiffs,

15 v.

16 **GAVIN NEWSOM, et al.,**

17 Defendants.  
18  
19

Case No. 94-cv-02307 CW

**DECLARATION OF C. WINKLER IN  
SUPPORT OF DEFENDANTS' SUR-  
REPLY TO PLAINTIFFS' MOTION FOR  
A PERMANENT INJUNCTION AT  
SEVEN PRISONS AND STATEWIDE**

20 I, C. Winkler, declare:

21 1. I am employed with the California Department of Corrections and Rehabilitation  
22 (CDCR). I currently work at Mule Creek State Prison. I am a Correctional Officer. I am  
23 competent to testify to the matters set forth in this declaration and, if called upon by this Court, I  
24 could and would so testify. I submit this declaration in support of Defendants' Sur-Reply to  
25 Plaintiffs' Motion for an Injunction at Seven Prisons and Statewide.

26 2. On August 27, 2020, I was performing my duties as Security Patrol inside the Facility  
27 A Program Office. The institutional radio alerted me to a Code 1 resistive inmate inside Building  
28 5. I responded to this Code and observed an inmate secured in handcuffs, leg restraints, and lying

1 in the prone position on Building 5's C-Section Dayroom floor by the Officer Podium. The  
2 inmate was later identified as Inmate [REDACTED] (CDCR No. [REDACTED] based on his state-issued  
3 identification card.

4 3. Officer E. Brazil and I assisted Inmate [REDACTED] up to his feet and escorted him out of  
5 Building 5. Inmate [REDACTED] continued to yell racial slurs.

6 4. Inmate [REDACTED] used his body weight and attempted to fall to the ground in front of  
7 Facility A Enhanced Outpatient (EOP) Treatment Center. Officer Brazil and I assisted Inmate  
8 [REDACTED] to the ground.

9 5. Officer F. Orr brought a wheelchair. Officer Brazil and I assisted Inmate [REDACTED] to his  
10 feet and placed him in the wheelchair. I relinquished custody of Inmate [REDACTED] to Officer F. Orr,  
11 who escorted Inmate [REDACTED] to the Facility A Clinic for a medical evaluation.

12 6. Officer F. Orr subsequently escorted Inmate [REDACTED] to the Facility A Program Office.  
13 There, I conducted a search of Holding Cell 2 for contraband and found none. I assisted Inmate  
14 [REDACTED] out of the wheelchair into Holding Cell 2. I ordered Inmate [REDACTED] to submit to an  
15 unclothed body search. In response, Inmate [REDACTED] said, "Fuck you bitch ass cops."

16 7. I again ordered Inmate [REDACTED] to submit to an unclothed body search. Inmate [REDACTED]  
17 replied "Fuck you." I explained to Inmate [REDACTED] that I would have to cut his clothes off to ensure  
18 he had no contraband on his person before securing him in the holding cell. Inmate [REDACTED] replied  
19 "Do what you got to do."


20 8. I retrieved scissors from the Facility A Sergeant's Office while Officer Brazil  
21 maintained custody of Inmate [REDACTED]. Upon my return, I removed Inmate [REDACTED] shoes and cut  
22 his clothes off (except his boxers). I conducted an unclothed body search and found no  
23 contraband. I secured Inmate [REDACTED] in Holding Cell 2.

24 9. I provided Inmate [REDACTED] with new pants and a shirt. I left Inmate [REDACTED] secured in  
25 handcuffs due to his aggravated state. I maintained constant supervision of Inmate [REDACTED] while  
26 he was secured in Holding Cell 2.

27 10. I wrote an incident report documenting this incident the same day, August 27, 2020.  
28 Attached to this declaration as **Exhibit A** is a true and correct copy of my report. This report

1 accurately describes what I observed that day, and I incorporate the contents of this report into  
2 this declaration by reference.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
4 November 12, 2020, in Ione, California.

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7 C. Winkler, Correctional Officer  
8 Mule Creek State Prison  
9 California Department of Corrections and Rehabilitation  
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# EXHIBIT A

CDCR

## INCIDENT REPORT PACKAGE

PAGE: 22

REPORT NO. [REDACTED]

INCIDENT LOG NUMBER: [REDACTED]

PROCESSED: 10/02/2020 12:42

REQUESTOR: E. Laird

## STAFF NARRATIVE

STAFF NAME: Winkler, C

NARRATIVE TYPE: Initial Report

CREATED DATE: 08/27/2020

CREATED TIME: 12:59:35

## NARRATIVE

On Thursday, August 27, 2020, at approximately 0824 hours, while performing my duties as Facility 'A' Security Patrol #1, I was inside Facility 'A' Program Office when I was alerted of a Code 1 resistive inmate inside Building A05, via my institutional radio. I responded to Building A05, from Facility 'A' Program Office, and observed an Inmate (later identified by State issued Identification) as [REDACTED] ([REDACTED] [REDACTED] secured in handcuffs, leg restraints, and lying in the prone position on 'C' section dayroom floor by the Officer Podium. Officer E. Brazil and myself assisted Inmate [REDACTED] up to his feet and escorted [REDACTED] out of Building A05. During the escort Inmate [REDACTED] continued to yell racial slurs. While escorting [REDACTED] in front of Facility 'A' Enhanced Outpatient Treatment Center, [REDACTED] stopped forward progress of the escort by using his body weight and attempting to fall to the ground. Officer Brazil and I assisted [REDACTED] to the ground. Officer F. Orr brought a wheelchair and E. Brazil and I assisted [REDACTED] to his feet and placed Inmate [REDACTED] in the wheelchair. I relinquished custody of [REDACTED] to Officer F. Orr, who escorted [REDACTED] to Facility 'A' Clinic where a medical evaluation was conducted and documented on a CDCR 7219 Medical Report of Injury. Officer F. Orr escorted [REDACTED] to Facility 'A' Program Office. I conducted a search of Holding Cell 2 which was negative for contraband. I assisted [REDACTED] out of the wheel chair and inside Holding Cell 2. I ordered [REDACTED] to submit to an unclothed body search, [REDACTED] replied "Fuck you bitch ass cops." I again ordered [REDACTED] to submit to an unclothed body search. [REDACTED] replied "Fuck you." I explained to [REDACTED] I am going to cut his clothes off to ensure he has no contraband on his immediate person before securing him in the holding cell. [REDACTED] replied "Do what you got to do." I retrieved the scissors from Facility 'A' Sergeants Office while E. Brazil maintained custody. I removed [REDACTED] shoes and proceeded to cut [REDACTED] clothes off excluding his boxers. I conducted an unclothed body search, which was negative results for contraband. I secured [REDACTED] in Holding Cell 2. I provided [REDACTED] with new pants and a shirt. I left [REDACTED] secured in handcuffs due to his aggravated state. I maintained constant supervision of [REDACTED] while secured in Holding Cell 2 due to being in handcuffs. This concludes my involvement in this incident. I returned to my normal assigned duties as Facility 'A' Security Patrol #1.

C. Winkler

DATE: 08/27/2020

STAFF SIGNATURE

BADGE #: 87862

PERNR: 100836

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Clays, D [REDACTED]

REVIEWED DATE: 08/27/2020

REVIEWED TIME: 13:45:14